IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16958 of 2000

Between:

1 M.Lalitha Devi, W/o.Giri Kumar
H.No.28C, Vengal Rao Nagar Hyderabad- 500 038
2 M.Giri Kumar, S/o.M.Balakrishna Murthy
H.No.28C, Vengal Rao Nagar Hyderabad- 500 038

..... PETITIONERS

AND

1 Inspector, RPF, Secunderabad
2 R.S.Singh
Inspector of Police, Kazipet
3 M.Venkata Reddy
Sub-Inspector, RPF, Kazipet
4 K.Srinivasa Rao
RPF, SI, Sanathnagar, Hyderabad
5 B.Samuel Naik,
Railway Protection Force, Bellampally
6 G.Venkataswamy Naik
RPF, Kazipet
7 S.Yadagiri
Constable, RPF, Kazipet
8 Ravi @ Ravindran
Constable, RPF, Kazipet

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction directing the Enquiry in WP.No.7623/96 before

the Hon'ble District and Sessions Judge at Warangal to be transferred to any Metropolitan Sessions Judge Court at Hyderabad or Secunderabad in the interest of justice

For the Petitioners: MR.M.CHANDRASHEKAR RAO , Advocate

For the Respondents: MR.GOURI SHANKAR SANGHI,SC for Railways

ORAL ORDER: (per Hon'ble The Chief Justice)

Writ Petition No. 7623 of 1996 was filed by the petitioners, which relates to alleged custodial violence by the personnel of the respondent - Railway Protection Force of Warangal area. In this order we need not refer to the allegations and counter allegations made in the petition.

Upon the respective versions, as disclosed in the affidavits filed in the said petition, a report was called for by this court from the District Judge, Warangal, and basing upon the observations made in the report, respondents 4 to 11 were added. In the meanwhile, the husband of the petitioner was added as second petitioner. When the report came up for consideration on 24-4-1998 only on the point that the respondents were not afforded any opportunity of rebuttal, the report of the Principal District & Sessions Judge, Warangal, was set aside with a direction to afford an opportunity to the respondents to adduce rebuttal evidence with liberty reserved to the petitioners to cross-examine them and to send a fresh report after considering the entire evidence of the petitioners and of the respondents. The court made it clear that if the petitioners would like to lead further evidence, they may be permitted to do so. The entire exercise was directed to be completed within a period of two months from the date of receipt of the order.

While the matter was pending before the Principal District and Sessions Judge, Warangal, the petitioners felt some apprehension

because of what has been stated by them in the instant writ petition filed on 11th September, 2000 (WP. No. 16958 of 2000) that it was not at all safe for them to continue to appear at Warangal, and there was danger to their lives and limbs since respondents had created an atmosphere which prevents them from participating in the inquiry. Thus, a prayer is made to transfer the inquiry elsewhere.

Considering the allegations made in the petition, while issuing Rule Nisi on 25.09.2000, the inquiry pending before the District & Sessions Judge, was stayed. Thus there has been no further progress in the inquiry. Despite the fact that Rule Nisi was issued, no reply is filed by the respondents. Therefore, we have taken up the writ petition for hearing.

Learned counsel for the respondents submits that the respondents may be afforded an opportunity to rebut the serious allegations made against the respondents about the alleged threat to the petitioners, to their lives and limbs, since the allegations are not correct. Having gone through the allegations made in the writ petition, we are of the view that we need not go into the correctness or otherwise of allegations made by the petitioners. We are also of the view that in case the court felt that inquiry is necessary and inquiry has been directed to be made, it is all the more necessary that inquiry is completed soon. Whether inquiry is conducted at Warangal or elsewhere, it does not matter. The inquiry can be directed to be conducted elsewhere. It is not likely to cause any inconvenience for respondents to participate in the inquiry if inquiry takes place outside Warangal.

Without going into the correctness or otherwise of the allegations made by the petitioners, we feel that the interests of justice would be fairly met in case inquiry is directed to be conducted at Hyderabad

instead of at Warangal.

Accordingly, Writ Petition No.16958 of 2000 is disposed of with direction that the inquiry which was directed to be conducted at Warangal by order passed in Writ Petition No. 7623 of 1996 and which, by virtue of order dated 24-11-1998, has to be continued further as per the directions made therein which order shall now that it be conducted by Metropolitan Sessions Judge, Hyderabad, at Hyderabad. He would now comply with the order passed on 24-11-1998 in WP No.7623/96 as if the directions are to him to complete the inquiry and he will submit report to this Court to be filed in W.P. No.7623 of 1996. No costs.

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DEVINDER GUPTA. C.J.,

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G. ROHINI. J.,

Dated: 22.06.2004.

KVRK.

To

1 Inspector, RPF, Secunderabad
2 R.S.Singh
Inspector of Police, Kazipet
3 M.Venkata Reddy
Sub-Inspector, RPF, Kazipet

4 K.Srinivasa Rao
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